

July 13, 2005: Sri Lanka : USCIRF Expresses Concern about Signs of Growing Religious Intolerance

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Anne Johnson, Director of Communications, (202) 523-3240, ext. 27WASHINGTON - The U.S. Commission on International Religious Freedom (USCIRF) is concerned about growing religious intolerance in Sri Lanka. For the past two years, there has been ongoing violence against religious minorities. The government's response to that violence has been inadequate. In the wake of the tsunami last year that devastated parts of South Asia, and Sri Lanka in particular, religious tensions have escalated following unspecified and unconfirmed reports relating to alleged methods of distributing aid. A parliamentary bill addressing forced religious conversions has reemerged this year against this backdrop of natural devastation, ongoing religious violence, and inter-religious tensions and conflict. The bill, put forth by the Jathika Hela Urumaya (JHU) opposition party, would, if enacted, fall short of international standards with regard to freedom of thought, conscience, and religion or belief. The Commission expresses concern about the proposed pending legislation and the climate of inter-religious conflict and intolerance emerging in Sri Lanka, and urges all parties to work together to restore a climate of religious respect, tolerance, and freedom in Sri Lanka. The Commission further urges the Sri Lankan government to refrain from passing laws that are inconsistent with international standards. The Commission also reiterates the importance of promoting freedom of religion for all, and that, as UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir commented following her visit to Sri Lanka, the provisions of the draft legislation on conversions "could result in the persecution of religious minorities rather than the protection and promotion of religious tolerance." Growing Incidents of Religious Violence and Inter-religious TensionsIn the past few years, there has been an increasing number of attacks targeting churches, ministers, and other religious minorities, reportedly carried out or inspired by members of nationalist Buddhist groups. Particularly in the rural areas, there are reports that Christian churches have been desecrated or burned to the ground and individuals have been physically assaulted by mobs. In the past two years, over 140 churches have been forced to close down due to attack, intimidation, and harassment. Though the violence had abated last year, reports indicate that since May of this year, acts of violence against churches and individuals have again escalated. "Though the Sri Lankan government has condemned the attacks in the past, the Commission is concerned that the renewed violence is a sign that the authorities are not taking sufficient steps to halt the burgeoning climate of religious intolerance in Sri Lanka," said USCIRF Chair Michael Cromartie. Some reports indicate that local police sometimes respond quickly to the attacks and when necessary provide extra security for churches; others suggest that these actions are pro forma and not effective. "Of particular concern are reports, including from the UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir, that the relevant authorities in Sri Lanka have made little effort to pursue the perpetrators of these attacks and hold them to account," Cromartie said. The Commission also notes that there have been reports, particularly in the period immediately after the tsunami event, of some groups and individuals engaging in efforts to encourage people to convert-reportedly amounting to "unethical" practices-that are said to have served to increase tensions among religious communities in Sri Lanka. In response to these reports, a group of Christian organizations in Sri Lanka issued guidelines to curb the practices that have created friction. In addition, several minority religious groups and aid organizations have publicly decried "unethical" conversions and called for the creation of an inter-religious council to be given power by an act of Parliament to investigate all allegations of unethical conversions. The Catholic Bishops' Conference in Sri Lanka, for example, issued a statement in April 2005 stating that "[u]nethical conversions, whether it be the sphere of Politics or Religion, are blatantly wrong and offensive.... And, there have been growing concerns in our country on this matter. This phenomenon has to be studied as regards to those who resort to them as well as the authenticity and veracity of the allegations." UN Special Rapporteur Asma Jahangir, in preliminary findings based on her visit to and investigation in Sri Lanka, addressed "allegations that faith based organizations that have brought humanitarian assistance to Sri Lanka for the victims of Tsunami, have adopted certain methods of exploiting the vulnerability of the population." Although Special Rapporteur Jahangir was not "able to confirm these allegations by precise and individual cases," she concluded that "a sufficient number of allegations are confirmed by a number of sources." Noting that these cases "raise anxiety," she pointed out these are "regrettable practices but do not constitute a criminal offence or a clear violation... as long as such conversions are not carried out by force, pressure, or other coercive methods." She further concluded that "a large number of humanitarian workers and organizations have scrupulously observed" applicable humanitarian principles and have "generously donated and tirelessly worked for the victims of Tsunami." Proposed LegislationAgainst the backdrop of violence and inter-religious tension is the reemergence this year of a bill put forth by the Jathika Hela Urumaya (JHU) opposition party purportedly against forced religious conversions, legislation that, if enacted, would fall short of international standards with regard to freedom of thought, conscience, and religion or belief. The draft legislation prohibits conversion from one religion to another by "use of force or allurement or by fraudulent means." If passed, this bill against religious conversions would: provide for prison terms of up to five years for anyone who attempts to convert a person from one religion to another by "the use of force or by allurement or by any fraudulent means," with the terms "fraud" and "allurement" vaguely defined such that many charitable activities could be included; establish reporting requirements for any person who adopts a new religion as well as for any person who takes part "directly or indirectly" in the conversion of another person, requiring individuals to inform government authorities of their action or face the threat of jail time and fines upon conviction; and provide an opportunity for "any interested person" having "reason to believe" a violation of the act to bring cases in the public interest, thereby inviting the kind of abuse seen with the blasphemy laws in Pakistan. The International Covenant on Civil and Political

Rights (ICCPR) upholds the right to have or to adopt a religion or belief and to manifest that belief publicly. This right includes an individual's ability "to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief." In disputes involving conversion activities, the rights and interests of the source (the person attempting to convert another), the target (of the persuasion), and the state can sometimes conflict. "Though we recognize that there are various and competing rights at stake in such matters, this proposed legislation appears to be in violation of international law," Cromartie said. "The approval of this law would therefore signal that the government of Sri Lanka is moving in the wrong direction with regard to the protection of religious freedom as outlined in Article 18 of the ICCPR." "The proposed legislation also appears to violate the standards of protection for religious freedom found in Sri Lanka's own constitution, which guarantees the right of every person in Sri Lanka to "freedom of thought, conscience, and religion, including the freedom to have or to adopt a religion or belief of his choice." Several provisions of identical legislation introduced last year were found to be unconstitutional by Sri Lanka's Supreme Court. Moreover, the Supreme Court also determined that "two forms of wrongful conduct [outlined in the bill], namely the use of force and the adoption of fraudulent means, are already found in the penal code for different offences." "If the current draft bill were to go forward without the constitutionally offending provisions and become law, the legislation could still potentially be used to criminalize manifestations of religion or belief that are protected under international human rights treaties to which Sri Lanka is a signatory. The Sri Lankan government has not opposed the draft legislation, and there are reports that it has prepared its own bill addressing forced religious conversions." "Despite years of civil war, Sri Lanka by many standards is a functioning democracy, which is a commendable achievement," noted Commissioner and past USCIRF Chair Preeta D. Bansal. "Yet, the renewal of violence against religious minorities, as well as reintroduction of this legislation on conversions, represent a setback. The U.S. government should urge the government of Sri Lanka to (1) make a greater effort to hold the perpetrators of violent attacks on members of religious minorities accountable for their actions; (2) oppose the pending draft legislation proposed by the JHU which would violate international legal standards; and (3) in order to foster and restore inter-religious harmony, urge the creation of an inter-religious or governmental body to investigate allegations of unethical conversion activity, and report publicly on its findings." "We urge all the parties involved to work together to restore a climate of religious tolerance in Sri Lanka and hope that the Sri Lankan government will pass laws that are consistent with international standards," Cromartie said.

Michael Cromartie, Chair

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